

TOWN OF SUTTON

Pillsbury Memorial Hall

93 Main Street

Sutton /Mills, NH 03221

PLANNING BOARD MEETING

 Draft Meeting Minutes for Tuesday October 8, 2024, at 7:00 p.m.

**CALL TO ORDER:** Chair Teaster called the meeting to order at 7:01pm and took roll.

**ROLL:** Jason Teaster (Chair), Christine Fletcher, David Hill, Tim Wakeman

(alternate), Glenn Pogust, Chuck Bolduc (left the meeting at 8:25pm)

**Absent:** Roger Wells (Vice-Chair), David Burnham, Kristin Angeli (alternate), Peter Blakeman (alternate)

**Also in Attendance:** Charles Nelson, Dorothy and Andy Jeffrey, Mark Rosenthal, Mike Tardiff (CNHRPC), Judy Parkinson, Joanna Murphy, Maryann Simoni, Mike and Susan Maddox, Michael McElman, Kimi Cummings, Neil Chadwick

Chair Teaster asked alternate, Tim Wakeman, to sit in as a full voting member in place of Roger Wells, who was absent.

**PUBLIC HEARINGS:**

**1. PB Case 2024-06 Jeffrey Lot Line Adjustment/Annexation.**

Peter said that in his opinion, the application was complete.

**It was moved by Glenn Pogust and seconded by Christine Fletcher to accept the Jeffrey application as complete. The motion was approved unanimously.**

Peter said the Jeffreys gave him permission to explain their case. He showed a map and said there has been an approved minor subdivision of the property. They now want to move a lot line so that the driveway on one of the properties is completely on that lot, which will now belong to their daughter. Peter said a note needs to be put on the plan explaining that there is an easement for access between the two lots. The easement is to allow access to the field for the purpose of logging and farming.

Glenn asked if it would be possible that there could be a driveway into that lot from Blaisdell Road. Peter said it is possible but it would be quite steep. In this case they won’t need it because the remaining acreage will be put under a conservation easement; there won’t be a need for access to the lot by emergency vehicles. Peter said this is an access, not a right of way. He noted that this access point will more easily allow future easement monitors to monitor the conserved property.

Chuck said if the intent is to conserve some of the acreage, a note on the plan may need to be added that would meet the needs of the land trust.

Chair Teaster opened the floor for public comment. There was none. The public comment portion was closed.

**It was moved by Glenn Pogust and seconded by Chuck Bolduc to approve the lot line adjustment/annexation subject to a note being added to the mylar regarding access on the conservation land, which will then be signed by the Board. The motion as approved unanimously.**

**2. Case PB 2024-07 White Appeal of a Driveway Access Permit Denial**

Ryan White was present to explain his case. He distributed the letter he sent to the Planning Board regarding his driveway request, as well as a sketch of the property and where it sits on Chalk Pond Road and Nelson Hill Road. Peter said he had not had time to do the research on the warrant article about whether the Town discontinued the section of Nelson Hill road that fronts the property, or only discontinued the maintenance on the road.

Ryan read from his letter. The issue has to do with the line of sight for the driveway permit. His argument is that most of the driveways on the road do not meet the 300’ line of sight requirement.

Glenn asked about putting the driveway on the other side of the property. Ryan said the excavator told him that where they are asking to put the driveway due to there being a hill in that area. Glenn said he agreed with the road agent; it is a dangerous area to add a driveway due to a hill. He asked if they had looked at moving the driveway to the end of the road frontage to get more sight from the hill and down the road to the left. Ryan said he didn’t care where the driveway would go; where he was asking was just where two excavators told him it would work best. Glenn said it isn’t a matter of saying what is easiest, they have to look at the safety of the road. Their job is to make sure that new things are done safely. Ryan said he met with the road agent and excavator and the road agent didn’t think there was a good place anywhere to put the driveway. Glenn asked about entering the property on Nelson Hill Road. Ryan said there wasn’t power there. Glenn said power can be put anywhere; it isn’t a matter of what is easiest. The frontage on Chalk Pond is 186’. Glenn said a neighbor may allow access or a lot line adjustment to be able to put a driveway in that would allow for the line of sight requirements. That would be a neighbor to neighbor decision, however.

Peter said for reference, they have done two of these driveway denial re-hearings since the new driveway requirements came into effect in 2019. In both instances, they approved under 300’ line of sight, but both had over 200’ line of sight. Chuck said that the particular section (Chalk Pond) is rough for sight and for speed; he bikes that area a lot. He said Nelson Hill Road may be a better option although there would be the need to bring in power and it is far from the proposed building site.

The public comment portion of the meeting was opened.

Neil Chadwick lives on Nelson Hill North which is the road in question. In 1980 he came to the Town to get a building permit. He was told that in the 1950’s the road was taken off the tax maps and given to the landowners to maintain. That was the status of the road. Peter said he was told the original warrant article giving up the road went back to the 1800’s. They need to find the warrant article to be able to decide what can be done along Nelson Hill Road and whether it is considered a Class VI road. Mr. Chadwick said he has maintained .4 miles of the road for the past 35 years. Mr. Chadwick said he heard that the Town tried to reverse their decision to give up the road the year after it was given up, and the State said to leave the decision alone. When asked about his power access, Mr. Chadwick said that he lives off-grid.

Mike Maddox said he lives next to the property in question and his own driveway is bad to get in and out of. Another driveway in that spot would be terrible. People don’t see anything when they come down the hill. He said it is a bad spot for a driveway.

Elliott Hansen, a realtor, was there. He said he agreed with Glenn about where the better spot would be. He said that the road agent suggested the spot they had applied for, as it was the best spot. Glenn said the road agent wouldn’t have agreed to the spot and then denied the application.

Peter said he talked with the road agent, who was of the opinion that this was a very dangerous site. Peter said anywhere on the uphill side of the road is bad for line of sight. It is a combination of crown and corner.

Mike McElman said he lives on Chalk Pond Road. He said it is a dangerous road. People speed down the hill and he and his step sons have had to ditch to avoid being hit before. He has worked on the Highway Department in New London for over 20 years and can see how there could be a problem in this area.

With no other comments from the public, Chair Teaster closed the public portion of the meeting.

Chair Teaster said his inclination is to agree with the road agent. The Planning Board can recommend that they look into some other alternatives. Peter said their role is to approve or deny, unless the application is withdrawn. Glenn said there are options that haven’t been explored and things that could be done. Approving this as it is presented should not be done; the driveway regulations were developed to create safer roads. The historically constructed driveways may exist, but new driveways need to abide by the regulations.

David Hill suggested going back with the road agent and look at the upper portion of the property to see if there is an acceptable place for a driveway. Peter said the sight distance is calculated at 10x the speed limit. The speed limit is 30, so the line of sight is 300’. Elliott Hansen said maybe it is time for a speed limit sign on the road.

Peter said if the appeal is denied, that means that a driveway cannot be put in at that very spot. Other alternatives can be sought.

**It was moved by Glenn Pogust and seconded by Chuck Bolduc to deny the appeal of a driveway denial for the reasons stated above. The motion was approved unanimously.**

**NEW BUSINESS:**

**1. Nelson Minor Subdivision Conceptual Discussion**

Dan Higgenson was there to represent Mr. Nelson, who was also present. Dan said that Mr. Nelson is looking to subdivide a minimum-sized two-acre piece. Mr. Nelson would like to provide this property to his daughter. There was some discussion of steep slopes and wetlands on the property. It was noted that the portion of the property planned for development did not have steep slopes or wetlands.

Peter said the acreage of the new lot would have to compensate for the wetlands as they cannot count towards the total acreage of the parcel. Dan said they have proven that the minimum standards for a house lot are met. They’d like a waiver to not have to survey the back lot and set monuments. Bristol and Sweet had surveyed the property in the past which seems sufficient.

Dan said they are proposing to put the driveway at a location that is downhill with 300’ of line of sight. They are not at the 300’ mark in one direction but they are short by about 100’ in the other. He said it is a dead-end road with just two houses beyond this property. It is possible that they could move the location and he would work with the road agent on the best place for a driveway. He understood that he may need to come in to try for an appeal before the Planning Board.

Mr. Nelson said that the road agent had already approved the driveway application.

The Planning Board felt that Mr. Higgenson was on the right track with his plan. Glenn thanked Dan for doing this legwork, as a lot of people don’t.

**OLD BUSINESS:**

**1. Follow-up with CNHRPC on 9/24 Housing Meeting**

Mike Tardiff said he thought the meeting went well and there were potential changes for Town Meeting 2025. There were some changes that could be made to the cluster ordinance, and the addition of some density bonuses.

Mike said now, the cluster ordinance is set up so they have the same underlying density as a traditional subdivision. If they want to promote cluster, they could say if open space is retained in an area (agricultural fields or tied into a trail system, or a farmhouse design/units) the density could be increased. This would provide an affordable option for developers.

Glenn said they have a pretty high requirement for conservation land with their current cluster ordinance. Mike said that the new type of workforce housing is if they build certain structures and meet economic requirements, they can increase the density. There would be a minimum amount of time that the housing must remain “affordable.”

Chair Teaster agreed with Mr. Tardiff about working on these changes incrementally. There is an opportunity for people to think about the things they have been talking about; there seemed to be an agreement about offering better housing options for the older generation and the younger generation.

Mike said they could do a survey with regards to cluster development. If it had some of the graphics in it, that would be beneficial. Some communities have allowed attached ADUs instead of making applicants have to get a special exception.

Glenn said they had talked about providing cards referencing the survey at the election in November as they would see many people from the town coming to vote. He thought they were too late to make suggested changes for the 2025 town meeting.

Mike said the Canterbury example also has a commercial cluster, which is a conversation they can have in Sutton next year. They could do several short surveys about things like this to get a feeling of the townspeople.

There was some discussion about ADUs and attached or detached. Perhaps people would be more agreeable to an attached ADU as it comes with less issues than a detached ADU. Perhaps the detached should still be permitted by special exception.

Christine said she feels that the surveys should be used to get the pulse from the people and they shouldn’t be so targeted. She feels they have a good chance to get a good response if they distributed the surveys to those who come to vote in November. Glenn said they don’t meet again until after election day, Mike could be given permission to go ahead with the survey questions or they could schedule a special meeting to finalize the questions.

Christine suggested wording the questions in a way that people would understand; don’t use words like “Planned Unit Development” instead use “small village.”

Glenn said based on the results from this upcoming survey, that should help them find out which avenues they should pursue; either drilling down to something more defined, or moving on to another topic or instead of further surveys, have more meetings.

Chuck suggested that Mike submit a draft to Peter to distribute to the Board, and they can give Peter feedback on the questions. It was noted that what would be distributed on voting day would be a link and a QR code to take the survey.

It was decided to have Mike’s survey questions circulated and then the Planning Board meet briefly in two weeks for a working session to discuss and agree on the survey questions. They would have their working session at 7pm on October 22nd.

***A five-minute recess was taken at 8:27pm.***

**2. Follow-up on Proposed Petitioned Zoning Amendment Re: Funnel Development**

Peter said the biggest weakness he saw with the language proposed at the last meeting was that a person developing a large property would need to have multiple waterfronts along the water body. That is more docks and disturbance. It would seem less injurious to the lake to have the opportunity to have a parcel with a lot of lake frontage use one spot to access the waterfront.

Chair Teaster said the language presented would preclude someone from having something that made sense for multiple families to have access while not developing more of the shoreline. Peter used the case of the Girl Scout Camp (Camp Wabasso) that has over 1,000 feet of frontage. This language would preclude development on those properties that could have access. Dorothy Jeffrey said there could be 40 homes built on a large parcel and all those people could have access concentrated at one access point. Glenn said he doesn’t see this as something that is broadly part of the Town’s interest the way it has been presented. There are other ways to enforce a limit.

Dorothy said she thought that the Board would have some language suggestions. Glenn said that at the last meeting, Jen McCourt (originator of the petition) wasn’t interested in changing the language. He doesn’t feel comfortable supporting something that isn’t based on a demonstration that harm is being done. Dorothy said that Jen would argue about the environmental impact of funnel development with access to the lake.

Chair Teaster said some of the language wasn’t clear and he didn’t think it would “pass muster” with town counsel as written. Glenn noted that it had previously been suggested that that deeded lake access be limited to one parcel per 150’ of frontage on the grantor’s lot.

Chair Teaster didn’t think the Planning Board would support the petition as written and he wasn’t sure it would pass by Town Counsel.

**3. Proposed Zoning Changes**

Chair Teaster said the suggestions are housekeeping items some of which are needed to comply with State regulations.

Glenn said he thought the Board had previously concluded that a retaining wall of greater than 4’ in height would be a structure and would require a permit. Peter said he would put that in. This was discussed at the last meeting but he had omitted it in error. Glenn said Travel Trailer should have a capital “T.” Glenn asked for a statement of “with an approved building permit” in another section involving having a trailer on a property where a residence is under construction. Peter agreed to make this change.

Peter explained how these zoning changes would look on the warrant. He noted that there would be a rationale. Glenn said the changes would all be provided in full at a public hearing, on the website, and on display in Town Hall prior to voting day. The changes will be on the ballot as opposed to being discussed during the business portion of Town Meeting.

Peter will provide a draft of the final language to the Board. He said there would be two public hearings scheduled to discuss these changes. If there are no changes made at the first meeting, the second one does not have to happen. If there are changes or problems from the public regarding the suggestions, they would have a second hearing.

Peter said there is only one change that may raise some question, which has to do with allowing the crossing of a wetland. An applicant has to go to the Planning Board for a Conditional Use Permit to disturb the wetland buffer, and then when approved, the applicant then has to go to the Zoning Board to get permission to cross a wetland. It should be rolled into the Conditional Use Permit and they should not ask the applicant to come for another approval.

The first public hearing would be scheduled for November. It has to be scheduled 120 days prior to Town Meeting.

**ADMINISTRATIVE**

**1. Approval of Draft Meeting Minutes of the September 24, 2024 Meeting**

**It was moved by Glenn Pogust and seconded by Christine Fletcher to approve the minutes of September 24, 2024 as circulated. The motion was approved unanimously.**

**PUBLIC COMMENT:**

Joanna Murphy said the website is very difficult to navigate and it was hard to find the minutes from the last meeting or the agenda for that night’s meeting. Glenn said he would speak with Julia the next day to find out how this problem can be alleviated.

Joanna said not to forget about the people who don’t want more housing in the town. This should be part of the survey. Glenn and Peter agreed with this suggestion to add this to the survey.

Judy Parkinson suggested leaving the term “cluster housing” out of the survey. People associate that with lots of houses in a small space.

Mark Rosenthal said he understands it is hard to tell people “no” who come to them with a petition. As a stand-alone entity, the Planning Board should make their own decisions. To use Town Counsel as part of a statement or reason to deny someone, is not in the best interest of the Planning Board.

Maryann Simoni said she thinks the discussion of housing has been focused on how they can morph Article 2. There are other ideas and she hoped the survey questions would be carefully selected. Glenn said the current discussion of housing has nothing to do with the prior proposal for Village Overlay Districts. The Planning Board needs to determine if there is a direction they can take. Until they begin to get a sense that there is an avenue the town wants to move forward on, they will not make any progress. Maybe they won’t do anything. The Master Plan was adopted to help give some direction. They want to see if there are three or four things that people might be interested in doing. It would be great to have a lot of open-ended questions but they won’t get anything done that way. Maryann said if people don’t know what alternatives are available, they won’t know how to vote. Peter said they are just looking for areas where there could be improvement of some opportunities. If the public doesn’t want the town to move in a direction, the survey should help determine this. The Planning Board needs to be guided in a direction even if that is to not go in any direction.

Mark Rosenthal said the survey is not a place to draw out the possible ideas. That would be more in the line of a charrette.

The meeting adjourned at 9:13pm.

Respectfully submitted,

Kristy Heath, Recorder